

IN THE MARION CIRCUIT COURT

AVC NO. 05-029

32

JUL 21 2005

Dona Anne Snoddy
CLERK OF THE
MARION CIRCUIT COURT

IN RE: MARK DWAYNE DAVIS,

Respondent.

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Mary Ann Wehmueller, and the Respondent, Mark Dwayne Davis, enter into an Assurance of Voluntary Compliance (Assurance) pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent is an individual engaged in the sale of used automobiles, with a principal place of business at 3315 Madison Avenue, Indianapolis, Indiana 46227.
2. The terms of this Assurance apply to and are binding upon Respondent, his employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*
4. Respondent acknowledges that he sold or transferred at least twelve (12) motor vehicles in 2004.

5. Respondent acknowledges that he has sold or transferred at least twelve (12) motor vehicles, to date in 2005.

6. Respondent acknowledges that he does not have an Indiana motor vehicle dealer's license from the Indiana Bureau of Motor Vehicles.

7. Respondent agrees to apply for a motor vehicle dealer license through the Indiana Bureau of Motor Vehicles pursuant to Ind. Code §9-23-2-1 *et seq.* within thirty (30) days of signing this Assurance. Respondent further agrees to provide the Attorney General's Office, Consumer Protection Division with a copy of his dealer license application within five (5) days of submitting the same to the Bureau of Motor Vehicles.

8. If Respondent does not apply for a motor vehicle dealer license as specified in paragraph seven (7), he agrees to immediately cease and desist all vehicle sales activity within the State of Indiana, including but not limited to soliciting and/or engaging in internet sales of motor vehicles from within the State of Indiana.

9. Respondent agrees to comply with Ind. Code §9-23-2-15, specifically if Respondent sells a motor vehicle through use of the Internet or other computer network, he shall deliver the motor vehicle to the customer at his place of business in Indiana.

10. In respect to motor vehicle sales to persons for personal, family or household use, hereinafter "consumer transactions", Respondent shall not:

- a. solicit to engage in a consumer transaction without a permit or license required by law;
- b. solicit to engage in a consumer transaction if a permit or other license is required by law and the Respondent is not qualified to obtain the required permit or license or does not intend to obtain the permit or license; or

c. engages in a consumer transaction without a permit or other license required by law.

11. Upon execution of this Assurance, Respondent shall pay costs in the amount of \$300.00 to the Office of the Attorney General.

12. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

13. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

14. The Office of the Attorney General shall file this Assurance with the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

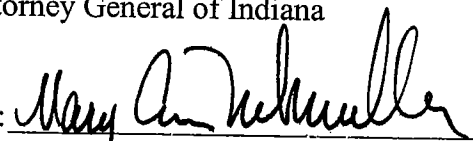
DATED this 20th day of July, 2005.

STATE OF INDIANA

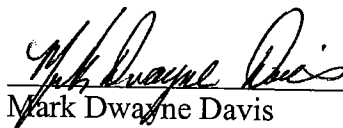
RESPONDENT

STEVE CARTER
Attorney General of Indiana

By:



Mary Ann Wehmuller
Deputy Attorney General
Atty. No. 15251-49A
Office of Attorney General
402 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Maw:240381



Mark Dwayne Davis

JUL 22 2005

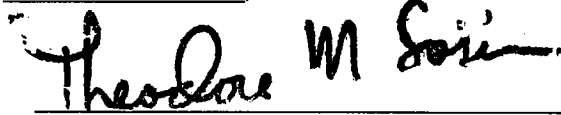
APPROVED this _____ day of _____, 2005.

Theodore M. Soien

Judge, Marion County Circuit Court

JUL 22 2005

APPROVED this _____ day of _____, 2005.



Judge, Marion County Circuit Court

INSTRUCTIONS TO MESSENGERS

FROM: Melinda H (MAW)
(Secretary's Name) (Lawyer's Initial)

RECEIVED BY: _____

DATE: 7/22 PHONE: 4-2354

☒ SCHEDULED RUN:

11:00 AM

3:00 PM

☒ MUST BE COMPLETED BY:

DATE: 7/22 Time _____

☐ DELIVER: (Describe Content) _____

☒ FILE DOCUMENT: (Do Not Place In Envelopes)

AGENCY/COURT: 5th

Marion Circuit Court

TO: (Name) _____

(Room/Floor) _____

(Address) _____

(City) _____

CAUSE NUMBER: _____

N/A

☐ PICK-UP: (Describe Content) _____

CASE NAME: In Re:

Mark Duwayne Davis

NUMBER OF ORIGINALS AND COPIES

REQUIRED AND ATTACHED: _____

AVC

Judge's signature page

☒ OTHER INSTRUCTIONS: Please note the judge's signature page was left off the AVC that was filed yesterday. You will need to take a stapler

COMPLETED BY: HL DATE COMPLETED: 7-22 TIME COMPLETED: 3:32

to the Court to attach the page to the AVC.

Thanks, Melinda